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PROTECTION OF MINORITIES

Forty-ninth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 6th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 7 August 1997, at 3 p.m.

Chairman: Mr. BENGOA

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* The summary record of the second part (closed) of the meeting appears as document E/CN.4/Sub.2/1997/SR.6/Add.1.

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The meeting was called to order at 3.15 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (agenda item 2) (continued) (E/CN.4/Sub.2/1997/4 and 5; E/CN.4/1998/3-E/CN.4/1997/35; E/CN.4/1998/4-E/CN.4/Sub.2/1997/36)

1. Ms. MORROW PATTY (World Federation of Democratic Youth) said that the Kurdish people in Turkey had for many years been subject to systematic violations of their fundamental rights, particularly the right to preserve their culture and use their own language and the right to self-determination, all of which were enshrined in the Charter of the United Nations and the two International Covenants on Human Rights. Civilians were the main victims of the military operations carried out in the south-east of the country by the Turkish army against insurgents of the Kurdish Workers' Party (PKK). Since 1984, over 3,000 Kurdish villages had been destroyed and thousands of hectares of farmlands and forests had been burned down, causing an exodus of about 3 million Kurds. Over 3,000 Kurdish politicians, intellectuals and journalists had been murdered or had mysteriously disappeared. Almost all of the parliamentary representatives of Kurdish origin or those who sympathized with the Kurdish cause had been imprisoned or forced into exile.

2. On 14 May 1997, in flagrant violation of the Charter of the United Nations, the Turkish army had launched a sweeping new military offensive in the north of Iraq, targeting mainly Kurdish civilians who had fled Turkey to escape from atrocities committed by the Turkish security forces. Many civilians, including women and children, had been killed during the bombardments and the army had, according to reliable sources, carried out extrajudicial executions.

3. Later, on 4 June 1997, the State Security Court in Ankara had sentenced 31 members of the pro-Kurdish People's Democratic Party to prison terms of up to six years. On 3 May 1997, the same court had closed down the Democrasi daily newspaper, which advocated respect for human rights and defended the Kurdish cause. A young Kurd, Mr. Faysal Akcan, had recently been sentenced to 22 years in prison for allegedly tearing down a Turkish flag. The Turkish authorities had also closed down several offices of the Human Rights Association in Turkey.

4. The World Federation for Democratic Youth called on the Sub-Commission to break the silence surrounding the tragedy of the Kurds by adopting a resolution condemning the massive violations of human rights in Turkey and making recommendations on how the Turkish Government could improve the situation.

5. Mr. AL-JAMRI (African Commission of Health and Human Rights Promoters) said that the human rights situation in Bahrain had deteriorated markedly in recent years, as could be seen from reports on human rights violations in that country published by Amnesty International and Human Rights Watch in September 1995 and July 1997 respectively. The list of violations was very long, including prolonged detention without charge or trial, denial of the

right to a lawyer, unfair trials, denial of the right to appeal against a death sentence, systematic torture, extrajudicial executions, abuse of women and children and discrimination against indigenous populations.

6. The situation was a result of the dissolution of the elected Parliament in 1975 and the Government's refusal to restore the rule of law. The rights to freedom of expression and assembly, although guaranteed by the Constitution, were systematically violated. Many people had been sacked for demanding the restoration of the dissolved Parliament. The poet Ali Hassan Yousif had been imprisoned for publishing a collection of poems and and the journalist Abbas Salman of Reuters news agency, had been detained for a day in September 1996 for writing an article on the political unrest. Ms. Ute Meinel, of the German news agency DPA, had been expelled in July 1997 for the same reason.

7. Shiites were considered enemies by the Government and were subject to systematic discrimination, particularly with regard to access to higher education and public office. Their properties and places of worship were routinely ransacked. Not even children were spared. In July 1997, a seven-year-old girl, Iman Hassan Ibrahim, had been detained and abused. Moreover, the Government had brought in large numbers of people from the Syrian desert in order to change the population, in which Shiites formed the majority.

8. In view of the Bahraini authorities' refusal to allow non-governmental organizations and distinguished representatives of the European Parliament to visit Bahrain, the African Commission of Health and Human Rights Promoters requested the Sub-Commission to examine the human rights situation in Bahrain and make recommendations to the Commission on Human Rights on how to remedy the situation.

9. Mr. FABBRO (International Prison Watch) said that the conditions under which 130 Lebanese were being held in the illegal prison in Khiam, controlled by the South Lebanon Army, were very harsh. For example, after their arrest, prisoners were held incommunicado in a cell 90 centimetres square for between 10 days and 2 months. The deaths of 11 prisoners since the detention centre had been set up were tied in with torture and lack of medical care. Representatives of the International Committee of the Red Cross, as well as lawyers and members of prisoners' families, had been denied access to the prison from 1987 to 1995. Some prisoners, including Ms. Souha Fawaz Beshara, had been imprisoned for many years without having been charged or sentenced.

10. In Mexico, conditions in the two high-security detention centres were deplorable. The criteria and reasons for placing someone in those centres were subjective: detainees were frequently stripped and searched and could be punished for such trivial reasons as possessing a sweet away from the dining hall. The cells had no windows or ventilation. Visitors were also stripped and searched and were not allowed to take food or anything else to the detainees. Fifteen people with serious psychiatric problems were being held in the centres, in violation of the regulations. Anna Maria Vea Smith had been kept in a single cell in the isolation wing of the high-security centre at Puerte Grande de Jalisco since 6 September 1996, there being no arrangements for the detention of women.

11. In France, overcrowding in penal establishments (58,856 prisoners when the official capacity was 49,552) meant that prison conditions had deteriorated and the principle of imprisonment on one's own, contained in the Code of Criminal Procedure, was not observed. The lack of space even forced some prisoners to sleep on the floor. Self-mutilation and hunger strikes were also becoming more and more frequent, and the suicide rate in prison had doubled in 10 years. Moreover, prisoners with a serious disease had to rely on a presidential pardon, a cumbersome, slow and uncertain process, to grant them early release.

12. Prisoners' rights were violated in many other countries too. International Prison Watch therefore called on the Sub-Commission to appoint a special rapporteur on prisons.

13. Mr. LEBLANC (Franciscans International) said that the rights of religious minorities in Pakistan were being seriously violated, even though they were guaranteed by various international human rights instruments as well as by Pakistan's Constitution. On 6 February 1997, a group of Muslims had attacked the village of Shantinagar, which had a mostly Christian population. Hundreds of policemen had been present but had done nothing to arrest them. On 5 and 6 February 1997, churches, shops and houses belonging to Christians had also been destroyed in Khanewal and surrounding districts. The Government of Pakistan had given each family affected the modest amount of US$ 125 as compensation, but it had not yet carried out its promise to take special steps to replace title deeds, identity cards and certificates destroyed during the attacks.

14. In the circumstances, Franciscans International supported the statement by the Justice and Peace Commission of the Catholic Church in Pakistan, which, inter alia, called on the Government of Pakistan to make public the findings of the commission of inquiry into the events, to prohibit all discrimination based on religion and to guarantee the equality of all citizens before the law. Franciscans International also called on the Working Group on Minorities to request the Government of Pakistan to restore the rights of the people of Shantinagar and Khanewal and to take constitutional and other measures to protect the rights of religious minorities.

15. A number of reports indicated a general deterioration in the human rights situation in Mexico, particularly in the State of Chiapas, which was the setting for a low-intensity conflict between the army and rebels. Together with the Bartolomé de las Casas Human Rights Centre, Franciscans International requested the Mexican Government to pursue peace negotiations in Chiapas and to reduce the level of military action in that State, urged national and international organizations to ensure the security of all people living in Chiapas, called on the Sub-Commission and the Commission on Human Rights to recommend that the International Committee of the Red Cross should set up a camp for displaced people, and requested the World Bank to ensure that the economic project it was supporting in Chiapas came to fruition. Franciscans International also recommended that negotiations between the Government and opposition forces should be resumed in accordance with the San Andres Agreements, that the State of Chiapas should immediately be demilitarized, that the activities of all paramilitary groups should be brought to an end, that the Government should find a solution to the armed

conflict (which was primarily the result of the poverty and exploitation of the indigenous population), that the defamatory campaign against the Catholic Church in San Cristóbal de las Casas should cease, that communities should be given the opportunity to reach agreement without outside interference and that favourable conditions should be created to hold free elections and facilitate the democratic transition in Mexico.

16. In conclusion, Franciscans International called on the Sub-Commission to urge Mexico to agree to a visit by the Special Rapporteur on extrajudicial, summary or arbitrary executions of the Commission on Human Rights, and to appoint a special rapporteur to study the human rights situation in Mexico.

17. Ms. KEYHANIZADEH (International Falcon Movement) pointed out that the human rights situation in Iran had worsened considerably over the past year. For example, the number of executions had risen yet again. It was widely known that many of those sentenced to death for drug trafficking, corruption or espionage had actually been executed for political reasons. The situation in the prisons was also critical. In recent weeks, 12 political prisoners had been killed during protests against prison conditions. Prisons were overcrowded as a result of the mass arrests carried out by the regime, the number of prisoners having increased by 40 per cent in one year. Meanwhile, no information was available on the hundreds of political prisoners held in a special wing of the Adelabad prison in Shiraz.

18. Peaceful demonstrations organized by the residents of various cities had been brutally suppressed. In Kermanshah, many demonstrators had been killed in December 1996. More than a thousand people had been arrested and their fate was still unknown. The crackdown on writers and intellectuals had reached new heights; several had been arrested, or had disappeared or been killed. Women were increasingly victims of the misogyny of Iran's fundamentalist regime, which claimed its repressive policy had its basis in Islam, whereas that religion advocated equality, compassion and emancipation.

19. The despotic regime of the mullahs was not content to trample on the fundamental rights of Iranian citizens. It also had opponents living in exile assassinated, as had been confirmed by a Berlin court in April 1997 after a thorough inquiry lasting three years. A Swiss investigating magistrate had also announced that the order to assassinate Professor Kazem Rajavi had been given by a senior Iranian government official.

20. In view of the human rights violations committed by the Iranian regime and the rise of State terrorism, it was of paramount importance that the Sub-Commission should closely monitor the situation in Iran.

21. Mr. KAWOWO (International Working Group for Indigenous Affairs) drew the attention of the Sub-Commission to the human rights situation in Bougainville. In March 1997, public protests by the people of Papua New Guinea against the decision of their Government to send Sandline mercenaries to Bougainville had led to the cancellation of the decision and the resignation of the Prime Minister, Finance Minister and Defence Minister. Six weeks later, three offices of non-governmental organizations in Papua New Guinea had been raided by police searching for documents on the Sandline mercenaries. The police had also arrested four human rights activists accused of playing a leading role in

organizing the protests and they were to be tried on 29 August 1997. Leaders from Bougainville had shown their willingness to find a lasting solution to the Bougainville crisis by attending the meeting in Burnham, New Zealand, in July 1997 and then releasing, in accordance with the Burnham Declaration, the five soldiers held as "prisoners of war" since September 1996. New Zealand, for its part, had made considerable efforts to find a peaceful solution to the problem by hosting the Burnham meeting, having already played a part in the first major meeting between rebel leaders and the Government of Papua New Guinea in 1990, which had led to the Endeavour Accord and the deployment of a regional peace-keeping force. The onus was thus on the Government of Papua New Guinea to engage in seeking a solution to the Bougainville crisis.

22. The International Working Group for Indigenous Affairs therefore requested the Sub-Commission to recommend that the High Commissioner for Human Rights should call on the Government of Papua New Guinea to take immediate action to restore lasting peace and justice to Bougainville in accordance with the Burnham Declaration, immediately establish the human rights commission it had promised at international conferences but had not set up, and issue an immediate invitation to the Special Rapporteur on the question of mercenaries, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Representative of the Secretary-General on internally displaced persons to visit Bougainville. The Sub-Commission should also recommend that the High Commissioner for Human Rights should request the Government of the Solomon Islands to invite immediately the latter two rapporteurs to visit the Solomon Islands.

23. Mr. KIRUPAKAREN (International Educational Development) denounced the genocide of the Tamils carried out by the Sri Lankan Government and the occupation of traditional Tamil areas by the Sri Lankan army, consisting almost exclusively of Sinhalese troops. The Sri Lankan Government's illegal and immoral "peace through war" policy had resulted in the displacement of more than half a million people and the occupation of traditional Tamil areas in breach of international law. The Sri Lankan Government was violating the fundamental rights of the Tamil people in those areas, depriving them of food and medical supplies in violation of humanitarian law, particularly the duty to treat civilians humanely in accordance with article 3 of the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War. The Sri Lankan Government was also violating article 55 of that Convention, under which the Occupying Power had the duty of ensuring the food and medical supplies of the population living in the occupied territory. Also, according to the list of war crimes drawn up by the commission of the Paris Peace Conference in 1919, deliberate starvation of civilians was recognized as a war crime. Hence the Sri Lankan Government, whose intention was to destroy the Tamils as a national community, was also guilty of the crime of genocide.

24. He reminded the Sub-Commission that the Working Group on Enforced or Involuntary Disappearances had noted in its 1995 report that Sri Lanka had the second highest number of "disappearances" in the world, after Iraq. At the fifty-third session of the Commission on Human Rights, the representative of the United States of America had expressed particular concern at the disappearance of over 700 people in Jaffna. The barbaric practice of "disappearances" was a violation of article 3 of the Universal Declaration of

Human Rights as well as of customary international law. The Sri Lankan Government had also used rape as a weapon in the occupied territories; cases in which Tamil mothers and children had been raped were well documented. Rape had been recognized as a war crime by the International Criminal Tribunal for the Former Yugoslavia.

25. In view of all those abuses, International Educational Development urged the Sub-Commission to adopt a resolution recommending that the Security Council should set up a tribunal to try Sri Lankan war criminals. As emphasized in the resolution submitted by non-governmental organizations at the fifty-third session of the Commission on Human Rights, the withdrawal of the Sri Lankan occupying forces from traditional Tamil areas was an essential precondition not only for ending the genocide of the Tamil people but also for finding a lasting political solution to the conflict that was tearing Sri Lanka apart. A lasting and genuine peace could only be achieved by means of negotiations undertaken willingly and on an equal footing by the two parties to the conflict. Peace should also be based on the inalienable right of peoples and individuals to decide their own future. It was worth recalling that the right to self-determination, which stemmed from the recognition of human dignity, was an integral feature of democracy.

The public part of the meeting rose at 4.10 p.m.